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MESSAGE DATE: 12/21/2011

MESSAGE STATUS: Active

CATEGORY: Antidumping

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PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE: INSCO-In Scope

FR CITE:

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-967

EFFECTIVE DATE: 12/13/2011

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED:

TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Scope determination on antidumping duty (AD) order on aluminum extrusions from the People's Republic of China (PRC) (A-570-967)

1. ON 12/13/2011, IN RESPONSE TO A REQUEST BY ORIGIN POINT BRANDS, LLC (OPB), COMMERCE ISSUED A FINAL SCOPE DETERMINATION THAT OPB'S (1) FENCE POSTS, (2) FENCE PANELS (WHETHER ASSEMBLED OR IN KIT FORM), AND (3) GATES, WHICH IT IMPORTS, ARE WITHIN THE SCOPE OF THE AD ORDER ON ALUMINUM EXTRUSIONS FROM THE PRC (A-570-967).

2. THE DEPARTMENT FOUND THAT THE FENCE POSTS DESCRIBED IN OPB'S SCOPE INQUIRY ARE COVERED BECAUSE THEY ARE MANUFACTURED FROM 6000 SERIES ALUMINUM ALLOY PRODUCTS AND THE SCOPE ENCOMPASSES ALUMINUM EXTRUSIONS, MANUFACTURED FROM 6000 SERIES ALUMINUM ALLOY. THE DEPARTMENT ALSO FOUND THAT THE FENCE POSTS DO NOT MEET THE SCOPE EXCLUSION CRITERIA FOR FINISHED GOODS KITS. OPB'S FENCE POSTS, AS PACKAGED AT THE TIME OF IMPORTATION, DO NOT CONSTITUTE A FINISHED PRODUCT, I.E., A FENCING SYSTEM. IN ADDITION, THE DEPARTMENT DETERMINED THAT OPB'S FENCE PANELS (WHETHER ASSEMBLED OR IN KIT FORM) AND GATES DESCRIBED IN OPB'S SCOPE INQUIRY ARE COVERED BECAUSE THESE PRODUCTS ARE MANUFACTURED FROM 6000 SERIES ALUMINUM ALLOY AND BECAUSE THEY DO NOT MEET THE SCOPE EXCLUSION CRITERIA FOR FINISHED GOODS KITS. OPB'S FENCE PANELS (WHETHER ASSEMBLED OR IN KIT FORM) AND GATES, AS PACKAGED AT THE TIME OF IMPORTATION, DO NOT CONTAIN ALL OF THE NECESSARY PARTS TO FULLY ASSEMBLE A FINAL FINISHED GOOD, I.E., A FENCING SYSTEM. THE DEPARTMENT ALSO FOUND THAT OPB'S FENCE PANELS (WHETHER ASSEMBLED OR IN KIT FORM) AND GATES EACH COMPOSE A SINGLE ELEMENT OF A FINISHED PRODUCT AND, THEREFORE, CANNOT BE ASSEMBLED "AS IS" INTO A FINISHED FENCING SYSTEM. FOR THESE REASONS, OPB'S FENCE PANELS (WHETHER ASSEMBLED OR IN KIT FORM) AND GATES DO NOT MEET THE EXCLUSION CRITERIA FOR FINISHED GOODS KITS.

3. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF ALUMINUM EXTRUSIONS FROM THE PRC, INCLUDING THE FENCE POSTS, FENCE PANELS (WHETHER ASSEMBLED

OR IN KIT FORM), AND GATES IMPORTED BY OPB AS DESCRIBED ABOVE, SUBJECT TO THE AD ORDER ON ALUMINUM EXTRUSIONS FROM THE PRC.

4. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O8:BDK).

5. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party